

### REMARKS

The Examiner has issued an Official Action requiring restriction between 2 groups of inventions. The groups identified by the Examiner are:

Group I: Claims 1-39 and 48-57 drawn to a composition, and

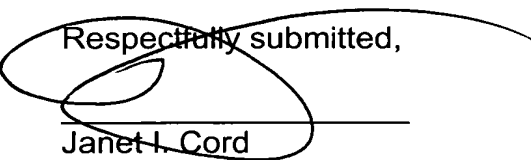
Group II: Claims 40-47 and 58-63, drawn to a process of preparing compositions.

Applicants respectfully traverse this rejection. Claim 40 has been amended to define that the composition that is prepared is the composition of claim 1. It is submitted that the composition of claim 1 is novel and nonobvious and therefore, the process of making the composition is novel and nonobvious. The decision in *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995) supports this. A process for preparing a novel and nonobvious composition must be novel and nonobvious.

Therefore, it is respectfully requested that the restriction requirement be withdrawn and that all of the claims be examined in this application.

Applicants submit that the present application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,

  
Janet I. Cord  
C/o Ladas & Parry  
26 West 61<sup>st</sup> Street  
New York, NY 10023  
Reg. No. 33,778 (212) 708-1935

**MARKED-UP COPY**

40 (amended). A process for preparing a fast disintegrating controlled release oral composition containing cefuroxime axetil as controlled release form as claimed in claim 1, which comprises spraying onto a fluidized bed of cefuroxime axetil core material an aqueous dispersion of an inner polymeric coating, retrieving and drying the coated core material and applying to a fluidized bed of the dried material an aqueous dispersion of an outer polymeric coating material and drying the coated particles wherein the inner polymeric coating is a mixture of a first copolymer, poly(ethylacrylate, methylmethacrylate, trimethylammonioethyl methacrylate chloride) with a molar ratio of 1:2:0.2 and a molecular weight of 150,000 and a second copolymer, a poly(ethylacrylate, methylmethacrylate, trimethylammonioethyl methacrylate chloride) with a molar ratio of 1:2:0.1 and a molecular weight of 150,000; and the outer polymeric coating is a poly(ethylacrylate, methacrylic acid) with a molar ratio of 1:1 and average molecular weight around 250,000, wherein the first copolymer of inner coating is present in amount of about 1 % to about 8 %, the second copolymer of inner coating is present in amount of about 0.1 % to about 5 % and outer coating is present in amount of about 2 % to about 10 % by weight of controlled release form, respectively.